



Lamoine Board of Selectmen

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Minutes – October 20, 2016

Chair Gary McFarland called the meeting to order at 7:00 PM.

Present were: Selectmen Nathan Mason, Robert Christie, Gary McFarland, S. Josephine Cooper, Kathleen Rybarz; Administrative Assistant Stu Marckoon, Code Enforcement Officer Rick Gallegos, Budget Committee/Appeals Board member Connie Bender, School Committee Chair Brett Jones, Planning Board Chair John Holt, Assessor Terry Towne, Conservation Commission Chair Larry Libby, Recreation Committee Chair Greg Stone, Shellfish Joint Board Representative Richard Fennelly, Comprehensive Planning Committee Chair Fred Stocking, Budget Committee/Tech Committee member Merle Bragdon, member of the public Catherine deTuede, and Appeals Board Chair Griff Fenton.

Agenda – No changes were made to the printed agenda.

Minutes – October 13, 2016 – Nathan moved to approve the minutes as presented. Kathleen 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 7 – Selectmen signed the warrant in the amount of \$93,867.61. Stu noted that \$86,000 was for school expenses and that he would have to transfer \$75,000 from the investment management account to the checking account. Bob inquired about the fire training expenses. Stu said Robert Cooper and Sean McLaughlin have committed to attend the training academy this winter.

Cash & Budget Reports – Jo remarked that she liked seeing the percent of expenditure comparison to the percent of the year that has passed.

Subdivision Lot Sale Complaint – Stu provided a brief recap of the complaint brought by the Planning Board regarding the split and sale of a lot in the Marlboro Mist II subdivision without seeking an amendment to the subdivision plan. Jo asked where things stand now. Stu reported there was no change since the previous discussion where Selectmen discussed whether the CEO should consult the town attorney on the matter.

Jo asked if there is any urgency. CEO Rick Gallegos said the decision is whether the town should pursue any violation, as the sale took place 5-years ago, and the Planning Board has subsequently approved an amendment to the subdivision. Jo asked whether there is merit to the complaint.

Planning Board Chair John Holt said at Stu's encouragement, the CEO sought guidance from the Board of Selectmen. He said the Planning Board has submitted a detailed complaint, and he believed that sending the former subdivision owner a notice of violation would be in order. Mr. Holt said after a notice is sent a determination could be made in regard to a remedy or a penalty. He asked why the notice has not been sent. He said the Planning Board simply made a complaint, and it has substantial merit. He said the CEO has had the complaint for a couple of months.

Jo said if there is a violation, the town needs to do something about it. A lengthy discussion followed in regard to the complaint. Nathan said he had no issue with issuing a violation notice to Sarjoy, Inc. Stu said part of a notice of violation is a section on how to remedy the violation. He said it's not clear what to tell the alleged violator to do to cure the violation in this instance. Mr. Holt said there should be a penalty imposed, and the violator should pay a fine. He said the developer needs to be held accountable.

Jo asked if the Board of Selectmen could consult with an attorney. Mr. Holt said Sarjoy has to be notified of the violation. Jo noted that the town approved permits both for the home on the split lot, and the garage on the remainder of the split lot that was joined with an abutter's lot. A discussion followed in regard to the town's actions.

Gary said he would like the matter on the next agenda to speak with the CEO to get the ball rolling on this. Bob asked that the necessary information be found in order to bring this back to the table. Jo said it seems clear that a notice of violation should be issued, but it would be helpful to find out how to do it. A discussion followed on what would trigger a review of a subdivision issue. Gary said the Board will meet with the CEO at the next meeting.

Next Meetings – Gary listed the next meetings as November 3 & 17, 2016; December 1 & 15, 2016. The Board will set the January and February 2017 meetings at the next meeting. The town meeting election will be held on March 7 and the open meeting on the 8th.

Meeting with Board/Committee Chairs – Gary said one of the goals the Selectmen set was to meet collectively with the various board chairs, which prompted the gathering this evening. He said a recent request to utilize the town attorney by the Board of Assessors led to the idea, as the Assessors were not aware that the Selectmen could call a special meeting to deal with an urgent matter if needed.

Among the items discussed were:

- Freedom of Access Act (Right to Know Law)
- Cable TV / Live Stream, School CTV wiring status, CTV Franchise Agreement status and Internet access in parts of the community
- Land acquisition on Mud Creek Road by the "S" turn for a possible park area which will involve input from several town boards/committees
- Processes within town government, including access to Survey Monkey through next July
- Shellfishing matters including enforcement in Acadia National Park, clam harvesting/landings, sustainability, and worming.
- Having the Code Enforcement Officer work more hours/more time for inspections.
- Status of the Comprehensive Planning Process, aging issues, a community center, and utilizing a consultant.

- Development of an Appeals Board Ordinance to give the town a consistent manner of dealing with appeals, conflicting ordinances, and the ordinance amendment process.
- The Conservation Commission Ordinance and some suggested changes.
- Pollution closure signage.
- The Recreation Committee as it enters its 2nd year of operation and the need to coordinate with the Parks Commission, the Conservation Commission and the School Department.
- Trails: snowmobile trails and walking trails owned by private parties
- The Lamoine 150 celebration and gathering ideas for a yearlong celebration of the town.
- School Population (it's up to about 130 this year).
- Whether to hold another board/committee chair session (the group seemed to favor that).

There being no further business, the meeting adjourned at 9:10 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen